

Michigan Section

Office of the Treasurer

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The Michigan Section of ACOG is OPPOSED to the imposition of discriminatory requirements on pregnant minors seeking waiver of the parental consent requirement for abortion proposed in SB 254.

The Section has no quarrel with the concept that minors who have been denied a waiver in one Family Division of Circuit Court ("Court") need not be permitted to redress the same issues in another Court.

The Section disagrees, however, that the Court should be instructed to consider the common law standard that a minor is not capable of providing informed consent for medical treatment in this setting. The same minor would be considered competent to provide informed consent for substance abuse services (MCL 33.6121), sexually transmitted disease treatment (MCL 333.5127, MCL 333.5133, and MCL 722.623) and to receive prenatal care, pregnancy-related care, and care for her child (MCL 333.9132).

The requirement that Court determine whether the minor "...demonstrates a capacity similar to that of an individual who has reached the age of majority to make a reasoned and responsible decision..." by considering such factors as "...school attendance, academic performance and future education or career goals" and "...the circumstances of the minor's pregnancy, including actions taken to maintain her personal health and prevent pregnancy and any previous pregnancies she may have had" constitutes an unconstitutional invasion of privacy that serves only to deter minors from seeking a parental waiver.

The Michigan Section of ACOG recommends that the Court not be obliged to hold pregnant minors seeking a waiver of parental consent for abortion to a standard not required of adults seeking the same services. Legal precedent allows minors to consent to other treatment to preserve and protect their health without the requirement of a litany of evidence to demonstrate the capacity to make reasoned and responsible decisions.

A handwritten signature in black ink, appearing to read "Matthew Allswede". The signature is fluid and cursive, with a large, stylized "M" and "A".

Matthew Allswede, MD, FACOG